influenza virus according to claim 1 as an immunogen.

REMARKS

Applicants intend the examination to begin based on the amended claims filed May 21, 2001.

The amendments above remove multiple dependencies to reduce the filing cost, and convert the "use" claims to the conventional "Method of use" claims.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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MARK-UP SHOWING THE CHANGES MADE IN THE PREVIOUS CLAIM TO YIELD THE CLAIM AS AMENDED ABOVE

3. The recombinant influenza virus according to [claims 1 and 2] **claim 1**, wherein one or more of the regular viral RNA segments, differing from said at least one ambisense RNA segment, comprises a vRNA encoding a foreign gene, preferably one or more of the regular viral RNA segments has (have) been exchanged for a vRNA encoding a foreign gene.

5. The recombinant influenza virus according to [claims 1 to 4] **claim 1**, in which the terminal viral RNA sequences of one or more of the regular segments and/or of the at least one ambisense RNA segment, which are active as the promoter signal, have been modified by nucleotide substitutions in up to five positions, resulting in improved transcription rates of both the vRNA promoter as well as the cRNA promoter as present in the complementary sequence.

10. The recombinant influenza virus of [claims 6 to 9] **claim 6**, wherein the 5' terminal nucleotide sequence comprises the modifications U3A and A8U resulting in a 5'-terminal sequence of 5'-AGAAGAAUCAAGG.

11. The recombinant influenza virus according to [claims 1 to 10] **claim 1**, which is a recombinant influenza A virus.

12. The recombinant influenza virus according to [claims 1 to 11] **claim 1**, in which the

foreign gene(s) in ambisense covalent junction with viral gene(s) code for proteins and/or glycoproteins which are secreted from cells infected with the recombinant virus.

13. The recombinant virus according to [claims 1 to 11 **claim 1**, in which the foreign gene(s) in ambisense covalent junction with viral gene(s) code for proteins or artificial polypeptides designed to support an efficient presentation of inherent epitopes at the surface of infected cells, for stimulation of a B cell and/or T cell response.

14. A method for the production of recombinant influenza viruses as defined in [claims 1 to 13] **claim 1** comprising

(a) RNA polymerase I synthesis of recombinant vRNAs *in vivo,* in ambisense design,

(b) followed by infection with an influenza carrier strain constructed to include flanking ribozyme target sequences in at least one of its viral RNA segments which is (are) to be replaced by the ambisense segments of step (a), and

(c) thereafter selective vRNA inactivation through ribozyme cleavage.

15. A pharmaceutical composition comprising a recombinant influenza virus according to [claims 1 to 13] **claim 1**.

16. [Use of] **Method of using a medicament comprising** a recombinant influenza virus according to [claims 1 to 13 for preparing a medicament] for vaccination purposes.

17. The [use] **method** according to claim 16, wherein the medicament

(a) is suitable against influenza and/or against other infections;

(b) is present in form of inactivated preparations; and/or

(c) is present in form of live recombinant viruses.

18. [Use of] **Method of using an agent comprising** a recombinant influenza virus according to [claims 1 to 13 for preparing agents] **claim 1** for somatic gene therapy.

19. [Use of] **Method of using an agent comprising** a recombinant influenza virus according to [claims 1 to 13 for preparing agents,] **claim 1** for transfer and expression of foreign genes into cells infected by such viruses.

20. [Use of] **Method of using an agent comprising** a recombinant influenza virus according to [claims 1 to 13 for preparing agents] **claim 1** for transfer and expression of RNA molecules into cells infected by such viruses.

21. The [use] **method** of claim 20, wherein the RNA molecules to be expressed are antisense sequences or double-strand sequences relative to the target cell cellular mRNA molecules, and/or the agent is suitable for sequence-specific gene silencing, preferably by antisense RNA or RNA interference mechanisms.

22. The [use] **method** according to [claims 18 to 21 **claim 18**, wherein the agent[s are] **is** applicable in *ex vivo* and *in vivo* application schemes.

23. A method for the production of proteins or glycoproteins which comprises utilizing a recombinant influenza virus according to [claims 1 to 13] **claim 1** as expression vector.

25. A method for preventing and/or treating influenza which comprises administering an effective amount of a recombinant influenza virus according to [claims 1 to 13] **claim 1** to the mammal to be treated.

26. A method for somatic gene therapy, which method comprises subjecting the organism to be treated with a recombinant influenza virus according to [claims 1 to 13] **claim 1**.

27. A method for transfer and expression of foreign genes into cells, and for transfer and expression of RNA molecules into cells, which method comprises infecting the cells with a recombinant influenza virus according to [claims 1 to 13] **claim 1**.

28. [Use of] **Method of using an agent comprising** a recombinant influenza virus according to [claims 1 to 13 for preparing agents] **claim 1** for autologous immunotherapy.

29. A method for an immunotherapy which comprises *ex vivo* infection of immune cells with

a recombinant influenza virus according to [claims 1 to 13] **claim 1**, and introduction of the transduced cells into the patient.

30. A method for the induction of antibodies which comprises utilizing a recombinant influenza virus according to [claims 1 to 13] **claim 1** as an immunogen.